

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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THE NEW YORK TIMES COMPANY,	:	
	:	No. 1:23-cv-11195-SHS-OTW
Plaintiff,	:	
	:	
v.	:	
	:	
MICROSOFT CORPORATION, OPENAI,	:	
INC., OPENAI LP, OPENAI GP, LLC,	:	
OPENAI, LLC, OPENAI OPCO LLC,	:	
OPENAI GLOBAL LLC, OAI	:	
CORPORATION, LLC, and OPENAI	:	
HOLDINGS, LLC,	:	
	:	
Defendants.	:	

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DAILY NEWS, LP; CHICAGO TRIBUNE	:	
COMPANY, LLC; ORLANDO SENTINEL	:	No. 1:24-cv-03285-SHS-OTW
COMMUNICATIONS COMPANY, LLC;	:	
SUN-SENTINEL COMPANY, LLC; SAN	:	
JOSE MERCURY-NEWS, LLC; DP MEDIA	:	
NETWORK, LLC; ORB PUBLISHING,	:	
LLC; AND NORTHWEST	:	
PUBLICATIONS, LLC,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
MICROSOFT CORPORATION, OPENAI,	:	
INC., OPENAI LP, OPENAI GP, LLC,	:	
OPENAI, LLC, OPENAI OPCO LLC,	:	
OPENAI GLOBAL LLC, OAI	:	
CORPORATION, LLC, OPENAI	:	
HOLDINGS, LLC,	:	
	:	
Defendants.	:	

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THE CENTER FOR INVESTIGATIVE
REPORTING, INC.,

Plaintiff,

v.

OPENAI, INC., OPENAI GP, LLC,
OPENAI, LLC, OPENAI OPCO LLC,
OPENAI GLOBAL LLC, OAI
CORPORATION, LLC, OPENAI
HOLDINGS, LLC, and MICROSOFT
CORPORATION,

Defendants.

No. 1:24-cv-04872-SHS-OTW

X

**OPENAI DEFENDANTS’ RESPONSE IN SUPPORT OF PLAINTIFF’S MOTION FOR
LEAVE TO FILE UNDER SEAL**

Pursuant to Paragraph 22 of the Protective Order (ECF 127), Defendants OpenAI, Inc., OpenAI LP, OpenAI GP, LLC, OpenAI LLC, OpenAI OpCo LLC, OpenAI Global LLC, OAI Corporation LLC, and OpenAI Holdings, LLC (collectively, “OpenAI”) respond to Plaintiff New York Times Company’s (“The Times”) Motion for Leave to File Under Seal (ECF 399) filed in connection with The Times’s recent letter motion to compel (ECF 392 and 398). For the reasons explained in the accompanying Memorandum of Law and the Declaration of Michael Trinh,¹ OpenAI respectfully requests the Court grant The Times’s Motion. Specifically, OpenAI seeks to maintain the following type of information under seal: technical information related to OpenAI’s products, services and/or operation.

The following documents contain technical information related to OpenAI’s products, services and/or operation:

¹ The accompanying Memorandum of Law and Declaration of Michael Trinh were also filed on January 16, 2025 in support of OpenAI’s Motion for Leave to File Under Seal.

- Limited portions of Exhibit 3 to Plaintiff's Letter Motion to Compel OpenAI to Produce Categories of Documents (ECF 398-3), comprising correspondence between counsel for Plaintiff and OpenAI Defendants concerning OpenAI's Responses and Objections to Plaintiff's Requests for Production of Documents.

Additionally, and for the same reasons, OpenAI contends that the following should be filed under seal with appropriate redactions:

- Limited portions of and Exhibit 14 to the News Plaintiffs' Motion to Compel OpenAI to Preserve Output Log Data on a Going-Forward Basis (ECF 379-15), comprising correspondence between counsel for Plaintiff and OpenAI Defendants concerning the preservation of user conversation data.

For these reasons, OpenAI respectfully requests the Court grant The Times's Motion for Leave to File Under Seal (ECF 399).

Dated: January 16, 2024

Respectfully Submitted,

By: /s/ Joseph C. Gratz

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